

determine if applicant meets the income eligibility requirement.

E. General Provision. Any person who previously held a commercial fisherman's license, or who has been convicted of a Class 3 or greater violation, shall not be eligible to purchase an apprentice license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:303.8.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:964 (May 1998).

§413. Methods of Payment for Commercial Licenses and Oyster Tags

A. Commercial licenses and oyster tags may be purchased using the following forms of payment:

1. cash;
2. money order;
3. cashier's check;
4. business checks certified by the issuing bank; and
5. credit cards (MasterCard, American Express, or Discover only).

B. Payment by credit card will be allowed only by the card holder at the Baton Rouge licensing location with the credit card present at the time of purchase or as provided by Section 415 of this Part.

C. No other forms of payment will be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:642(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:1622 (June 2011), amended LR 38:2944 (November 2012).

§415. Application and Payment for Eligible Commercial Licenses and Permits via the Internet

A. This Section allows certain persons to apply and pay for eligible commercial licenses or permits via the internet.

B. Application and payment of eligible commercial fishing licenses and permits may be made only in the name of the person who held that same license(s) or permit(s) for the immediately preceding license or permit year. No changes to information contained on the previous license or permit will be allowed when applying via internet.

1. Eligible commercial licenses and permits available for application and payment under this Section are limited to the following:

- a. commercial fisherman license;
- b. fresh products license;
- c. oyster harvester license;
- d. all vessel licenses;

e. all commercial fishing gear licenses and related fees;

- f. seafood retail dealer license;
- g. seafood wholesale/retail dealer license;
- h. seafood transport license;
- i. wholesale out of state crab shipping license;
- j. charter guide license;
- k. charter mothership license;
- l. charter skiff license;
- m. all commercial fishing permits;
- n. domestic aquatic organism license; and
- o. apprentice license.

C. Payment may be made by the following methods:

1. VISA;
2. MasterCard;
3. Discover;
4. American Express; and
5. electronic check.

D. In addition to the cost of each license or permit, a use fee of \$2 per license or permit and a handling fee of three percent per transaction will be charged for use of the internet application and payment system.

AUTHORITY NOTE: Promulgated in accordance with R.S.56:642(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:2944 (November 2012).

Chapter 5. Oysters

§501. Oyster Leases

A. Office Policies and Procedures

1. Office hours will be from 8 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.

2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. Oyster Lease Applications

1. All applicants must appear in person at the Oyster Lease Section office to apply for an oyster lease, or provide power of attorney to agents to act in their behalf.

a. No application for new area will be accepted from any person not of the full age of majority (18 years).

2. An applicant will be required to outline on a department map the area for which he wishes to apply. Pursuant to R.S. 56:427(A), each element of the verbal description written on the application must be met by the

survey plat. Additionally, the survey plat must conform completely to the map outline attached to and made a part of the application; provided, however, that deviations from the map outline (but not the verbal written description) are permitted when such a deviation would not encroach on a neighboring lease or application, or when the signed, written consent of the leaseholder or applicant whose lease or application would be affected, has been granted. In no case will an applicant survey outside of his verbal written description, except as provided in Clause 2.a.ii below.

a. In the event of department error which results in an application being taken in an area where there is a prior undisclosed application or lease which prevents the applicant from taking the full amount of acreage applied for in the area described, the following procedure shall apply. The applicant shall have the option of:

i. taking all available remaining acres within the originally described area in a lease; or

ii. taking all applied-for acres in one lease outside of the originally described area but in the nearest unencumbered water bottom; or

iii. if neither of the above options is acceptable to the applicant, the applicant may have his original application cancelled and receive a full refund of the application fee.

b. The applicant shall have 30 days, from the date of notification by certified letter of the conflict, to exercise the above options.

c. If the applicant exercises the option as set out in Clause 2.a.ii above he shall be held to the amount of acres in his original application plus 10 percent.

d. In all such cases, the department shall have final approval of all relocations.

e. Before having the relocation area surveyed, it shall be necessary for the applicant to submit a new application for the area of relocation. This application shall be identified as a "relocation" application and shall indicate the old application by number for which it is being substituted and shall also be approved in writing by the Administrator of the Fisheries Division of the department. There will be no charge for the relocation application.

f. All relocations shall follow this procedure. No survey shall proceed until the properly completed relocation application has been submitted, accepted and approved. No survey is authorized without the above procedure being followed nor shall the department be responsible for the cost of any survey performed prior to final approval of the relocated application.

3. Where distances between oyster leases or between oyster leases and the shoreline are 200 feet or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing leases or applicants if properly applied for and leased in accordance with existing policies and practices.

4. No new application will be taken or lease issued whose length exceeds its narrowest width by more than a factor of three except as follows:

a. between existing leases where all available water bottoms are taken;

b. in bayous (or similar configurations, connections or cuts between bays, lakes and ponds, etc.) where all available water bottoms are taken with a subservient clause prohibiting an impedance of reasonable navigation.

5. Any application for an oyster lease may be contoured to follow the shoreline.

6. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the applications. If the department has not been notified within 180 days the application will be cancelled and fees will be retained.

7. No application for lease shall be transferrable.

8. An application will automatically be cancelled unless an applicant submits a complete survey, meeting department specifications, no later than 1.5 years after the date of submission of the lease application.

C. Application Fees

1. Application fees for new leases will be \$40.

2. Application fees on leases expiring by 15-year limitation will be \$30.

D. Private Surveyors Surveying Oyster leases for Oyster Farmer

1. Surveyor to be charged the basic rate for copies of documents needed.

2. All corners of oyster lease surveys to be referenced to the Louisiana State Plane Coordinate System, South Zone, NAD83, Survey Feet.

3. Surveyors to plot on the survey plat any land, any existing structures or improvements within or adjacent to the application boundary.

4. Survey plats to be drawn in black ink on standard oyster lease plats furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original to become the property of same. Surveyors to provide a formatted ascii file of the coordinates for each corner of the survey that complies with the Oyster Lease Section's geographic information system.

5. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded up to the next highest acre.

6. Application number and ownership to be shown on all survey plats as indicated on the original application.

7. No land area to be included in survey.

8. Use standard signs and symbols.

9. If a private surveyor repeatedly surveys over an existing lease, application or land area, that private surveyor

will be reported to the Louisiana State Board of Professional Engineers and Land Surveyors.

10. Noncompliance with any requirement established by law or by these rules, after 30-day notification from the department by certified mail, shall result in cancellation of the application or lease and forfeiture of all fees to the department.

E. Office Procedures and Fees

1. If any survey of existing leases shows an overlap, the department will abstract the leases involved and eliminate the overlap, giving the area to the longest continuously uninterrupted lease and shall notify the lessees of the action.

2. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.

3. A fee of \$10 per lease will be charged for transfer of an oyster lease.

4. A fee for all extra maps, leases, plats or documents, will be charged as follows.

All maps	\$10 per copy
Plats	\$5 per copy
Lease Documents	\$5 per copy
Other materials	\$1 per copy
Computations	\$2 per point
(State Plane to Latitude/Longitude)	

F. Oyster Lease Posting Requirements. In an effort to comply with R.S. 56:430(B), and to keep within the constraints of R.S. 14:63 dealing with criminal trespassing, the following are the posting oyster lease requirements.

1. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.

2. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least 3 to 12 feet above the water level.

3. At the main entrance to the property and at no less than all corners along the boundary of said property, the party seeking to post same shall include his name, initials, or lease number.

4. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

5. In open waters all signs are to be placed facing outward.

G. Policy to Comply with Laws Concerning Default in Payment of Rent on Oyster Leases (Noncompliance R.S. 56:429)

1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (R.S. 56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the state and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.

2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10 percent. Up to and including the second Monday in March, the leases may be reinstated by payment of the rent due plus 10 percent and the advertising cost if applicable.

3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief surveyor or his designee. The opening bid for each lease will be the rent due plus 10 percent and advertising cost. All sales must be paid for in cash or by check. The auction will start with the lowest numbered lease and continue numerically until complete.

4. Any leases not sold at auction will be removed from the Oyster Lease Section maps. The area will be open and may be taken by application.

H. Procedures to Comply with R.S. 56:432

1. The Oyster Lease Section will keep an indexing system to determine the acreage held by all oyster lease holders.

2. No application will be accepted that will cause an applicant to exceed a total of 2,500 acres under lease and application. Reference R.S. 56:432.

3. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 2,500 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10) and R.S. 56:422.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 10:470 (June 1984), amended LR 12:844 (December 1986), LR 15:197 (March 1989), LR 17:808 (August 1991), LR 37:1622 (June 2011).

§503. Oyster Lease Rental Rate

A. Whereas the cost of boats, equipment, fuel, and material and supplies has been steadily increasing; and

B. whereas, the cost for personnel and related benefits for the people performing services for the oyster industry has been increasing; and

C. whereas, the Seafood Division's budget has not increased for the past three years because of a lack of funds in the Conservation Fund; and

D. whereas, the present rental rate of \$1 per acre per year has been in effect since April 1, 1903; and

E. whereas, Section 425 of the Louisiana Revised Statutes of 1950, gives the commission the authority to fix the rental rate of not less than \$1 nor more than \$5 per acre or fraction of an acre per year.

F. Now, therefore, be it resolved that the commission fixes the rental rate for oyster leases at \$2 per acre or fraction of an acre per year.

G. Be it further resolved that the new oyster rental rate will become effective January 1, 1980.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:428.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 5:468 (December 1979).

§505. Oyster Lease Moratorium

A. A moratorium on the issuance of oyster leases for waterbottoms not presently under lease is established. This includes a moratorium on the taking of oyster lease applications for waterbottoms not presently under lease. Applications pending at the time of the March 7, 2002 moratorium may be processed. This includes all pending applications that have been held, along with all fees paid, unless the applicant requested cancellation of the application and refund of fees. In the event of the death of an applicant, the applicant's heirs or legatees should so notify the department; and any lease ultimately issued shall only issue to persons placed in possession of the application by Judgment of Possession or to a court-appointed administrator or executor on behalf of a deceased applicant's estate.

B. A moratorium is placed on the auction of oyster leases in default in payment of rent per LAC 76:VII.501.G, as authorized by R.S. 56:429.

C. Any leases selected by a leaseholder who has previously selected the relocation option pursuant to R.S. 56:432.1 shall be exempt from this moratorium but only to the extent of such previous selection.

D. At such time as the moratorium is lifted, applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below.

1. One week prior to the date that the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised.

2. On the date for taking applications only one applicant at a time will be allowed in the office and this

applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for. After the applicant pays the application and survey fees, he may return to the end of the line for another application.

3. Applications will be taken 24 hours a day (on a first-come basis) until the department feels the influx of applicants can be handled during regular office hours at the New Orleans office, at which time anyone will be able to take an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:425, R.S. 56:429, and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 10:948 (November 1984), amended LR 29:374 (March 2003), LR 33:1397 (July 2007).

§507. Public Oyster Seed Ground—Vermilion, East and West Cote Blanche and Atchafalaya Bays

A. The Vermilion, East and West Cote Blanche, and Atchafalaya Bay Public Oyster Seed Ground is described as that portion of state water bottoms beginning at a point of land on the southwest side of Southwest Pass, (y-335554.00) (x-1,774,683.00), thence S 31 54 44 E 4300.4 feet to Lighthouse Point on the southeast side of Southwest Pass and the most westerly point of Marsh Island (y-331,903.69) (x-1,776,956.24), thence along the south shoreline of Marsh Island to the point known as South Point (y-298,750.40) (x-1,863,189.50) thence S 74 10 18 E 5278.6 feet to a platform (y-284,352.82) (x-1,913,973.65) thence S 68 18 41 E 75,154.9 feet to Eugene Island (y-256,578.31) (x-1,983,808.02) thence S 35 17 41 E 17,453.6 feet to Point Au Fer (y-242,332.84) (x-1,993,892.44) thence along the southeastern shoreline of Atchafalaya Bay to South Point (y-257,413.00) (x-2,031,117.00) thence N 29 36 41 E 7455.7 feet to the north bank of Four League Pass (y-263,895.00) (x-2,034,801.00) thence along the eastern shoreline of Atchafalaya Bay to the east bank of the Atchafalaya River (y-294,175.00) (x-2,020,925.00) thence N 80 57 36 W 6001.5 feet to the west bank of the Atchafalaya River (y-295,118.00) (x-2,014,998.00) thence along the north shoreline of Atchafalaya Bay to Bell Isle Point (y-312,510.00) (x-1,969,990.00) thence following the shoreline of New Pass to a point on the west bank of New Pass (y-318,375.00) (x-1,967,345.00) thence westerly along the north shoreline of Atchafalaya Bay to Point Chevreuil (y-309,951.00) (x-1,930,415.00) thence northerly along the shoreline of East Cote Blanche Bay to Point Marone (y-352,112.00) (x-1,898,410.00) thence northerly along the east shoreline of West Cote Blanche Bay to the East side of the Jaws (y-389,415.00) (x-1,909,020.00) thence N 64 01 41 W 4407.1 feet to the west side of the Jaws (y-391,345.00) (x-1,905,058.00) thence westerly along the north shoreline of West Cote Blanche Bay to Cypremort Point (y-380,726.00) (x-1,826,461.00) thence northerly along the east shoreline of Vermilion Bay to Little Mud Point (y-412,498.00) (x-1,836,480.00) thence in a southerly direction along the shoreline of Weeks Bay to the east bank of Shark Bayou (y-403,692.00) (x-1,840,583.00) thence northerly along the east shore of Weeks Bay to a point at the

mouth of Bayou Carlin (y-422,780.00) (x-1,841,195.00) thence westerly along the north shoreline of Vermilion Bay to Mud Point (y-382,749.00) (x-1,741,026.00) thence continue along the shoreline to a point at the southeast corner of Little White Lake (y-395,495.00) (x-1,738,384.00) thence along the shoreline of Little White Lake to Buck Point (y-391,673.00) (x-1,736,065.00) thence continue along the shoreline to Redfish Point (y-375,420.00) (x-1,786,260.00) thence southerly along the west shoreline to Vermilion Bay to a point at the mouth of Hog Bayou (y-346,604.00) (x-1,752,950.00) thence along the shoreline of Hell Hole to a point at the northeast corner of Hell Hole (y-347,496.00) (x-1,755,604.00) thence easterly along the shoreline of Vermilion Bay to Indian Point (y-352,201.00) (x-1,777,875.00) thence southerly along the shoreline of Vermilion Bay and Southwest Pass to the Gulf and the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:776 (September 1990).

§509. Outside Area Atchafalaya—Vermilion Bay Oyster Seed Ground

A. The outside area Atchafalaya-Vermilion Bay Oyster Seed Ground is described as that portion of state water bottoms beginning at a point known as South Point on the Southeast portion of Marsh Island (y-298,750.40) (x-1,863,189.50), thence S 74° 10' 18" E 52785.6 feet to a platform (y-284,352.82) (x-1,913,973.65), thence S 68° 18' 41" E 75,154.9 feet to Eugene Island (y-256,578.31) (x-1,983,808.02), thence S 35° 17' 41" E 17,453.6 feet to Point Au Fer (y-242,332.84) (x-1,993,892.44), thence south 35 00' W approximately 3 miles to the Louisiana State Territorial Limitation, thence westerly along the State Territorial Limitation to a point south of Marsh Island thence north approximately 3 miles to a point on Marsh Island (y-295,200.0) (x-1,845,950.0), thence easterly along the shoreline of Marsh Island to South Point being the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

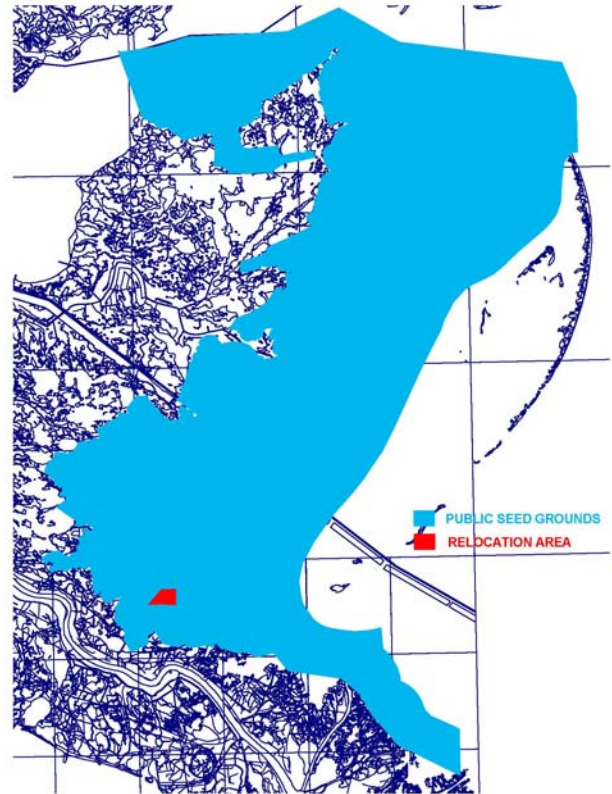
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources, LR 14:716 (October 1988).

§511. Public Oyster Seed Grounds East of the Mississippi River

A. The public oyster seed grounds east of the Mississippi River are described as that portion of state water bottoms hatched on the map below, except for that portion as described in Louisiana Administrative Code (LAC) 76:VII.531.B (Oyster Lease Relocation) and more particularly described as that area within the following coordinates (North American Datum 1983):

1. 89 degrees 27 minutes 49.74 seconds W
29 degrees 27 minutes 48.91 seconds N;

2. 89 degrees 26 minutes 36.54 seconds W
29 degrees 27 minutes 48.89 seconds N;
3. 89 degrees 26 minutes 36.47 seconds W
29 degrees 26 minutes 38.48 seconds N;
4. 89 degrees 28 minutes 04.69 seconds W
29 degrees 26 minutes 43.66 seconds N;
5. 89 degrees 28 minutes 58.49 seconds W
29 degrees 26 minutes 41.69 seconds N.



AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources, LR 14:716 (October 1988), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:1624 (June 2011).

§513. Public Oyster Seed Ground Addition—Lake Borgne

A. The Lake Borgne Public Oyster Seed Ground is described as that portion of the state water bottoms:

1. Beginning at the most northerly point of Malheureux Point latitude 30° 04' 48.216" north, longitude 89° 29' 02.247" west on the southern shoreline of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west on the southwestern shoreline of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point latitude 30° 01' 39.731" north, longitude 89° 43' 01.767" west on the northern shoreline of Lake Borgne; thence

northeasterly along the northern shoreline of Lake Borgne a distance of 19.1 miles to the intersection with the western shoreline of the Pearl River latitude 30° 10' 39.633" north, longitude 89° 31' 53.828" west; thence northerly along the western shoreline of the Pearl River a distance of 0.25 miles to a point latitude 30° 10' 52.888" north, longitude 89° 31' 53.736" west on the western shoreline of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 latitude 30° 11' 00.429" north, longitude 89° 31' 28.187" west; thence southeasterly a distance of 7.5 miles to the point of beginning.

2. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence westerly along the shoreline of Lake Borgne to latitude 29° 55' 54.300" north, longitude 89° 47' 57.000" west; thence north to latitude 30° 00' 46.000" north, longitude 89° 47' 57.000" west; thence east to the western boundary of the existing Lake Borgne Public Oyster Seed Ground at latitude 30° 00' 46.000" north, longitude 89° 42' 59.799" west; thence southerly along the western boundary of the existing Lake Borgne Public Oyster Seed Ground to the point of beginning.

3. Beginning at the southeastern corner of the existing Lake Borgne Public Oyster Seed Ground as described in Paragraph 1 above, which is the most easterly point of Proctor Point, at latitude 29° 56' 46.459" north, longitude 89° 42' 51.039" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 01' 18.470" north, longitude 89° 35' 03.662" west; thence southwesterly to latitude 29° 53' 22.749" north, longitude 89° 42' 12.538" west; thence northwesterly to a point on the shoreline of Lake Borgne at latitude 29° 56' 12.711" north, longitude 89° 44' 11.750" west; thence northeasterly along the shoreline of Lake Borgne to the point of beginning.

4. Beginning at a point on the southern boundary of the existing Lake Borgne Public Oyster Seed Ground, as described in Paragraph 1 above, at latitude 30° 01' 25.814" north, longitude 89° 34' 51.025" west; thence northeasterly along the southern boundary of the existing Lake Borgne Public Oyster Seed Ground to latitude 30° 04' 01.816" north, longitude 89° 30' 22.277" west; thence southerly to latitude 30° 02' 25.177" north, longitude 89° 30' 22.277" west; thence southwesterly to latitude 30° 00' 26.497" north, longitude 89° 34' 05.521" west; thence northwesterly to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 30:1733 (August 2004).

§515. Oyster Lessee Out-of-State Landing Program

A. Policy. The oyster lessee out-of-state landing permit is intended for the benefit of an oyster leaseholder, or his duly authorized designee, who desires to land oysters, from

privately leased water bottoms only, outside the state of Louisiana, and to provide an effective method of regulating the transportation of oysters landed or off-loaded from a vessel outside of Louisiana. It is for use by Louisiana licensed oyster fishermen. Violation of any provision of the rules, regulations or statutes concerning the oyster out-of-state landing permit by the permittee, oyster harvester or vessel owner while operating under the permit shall result in the suspension and/or revocation of the permit in addition to any citations resulting from activities. The permit shall be valid for up to one calendar year beginning on January 1 and ending on December 31 of the same year. The cost per permit shall be \$100.

B. Permit Application and Procedures

1. Applications shall be available from the Louisiana Department of Wildlife and Fisheries (LDWF) licensing office in Baton Rouge at any time during regular business hours. Completed applications, along with required documentation, will be accepted only by appointment at the LDWF Marine Fisheries Division in Baton Rouge. Applications shall only be accepted from the oyster leaseholder, or harvester operating on the leaseholder's behalf. All required information shall be provided before a permit is issued.

2. Applications shall include the following information:

a. applicant information including name, address, telephone number, Social Security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) and vessel registration or U.S. Coast Guard (USCG) documentation;

b. leaseholder information including name, address, and leaseholder account identification number:

i. if name of leaseholder is a corporation, partnership, or other legal entity, the Louisiana Secretary of State Charter/Organization number must be provided;

ii. if the name of the leaseholder is different than the applicant, the applicant must provide valid permission from the leaseholder (also refer to Subparagraph B.2.i below);

c. harvester information including name, address, telephone number, Social Security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

d. vessel owner information including name, address, telephone number, Social Security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

e. vessel information including name of vessel, vessel license number, USCG vessel documentation number, and/or vessel registration number, if applicable;

f. lease number(s) to be fished, and leaseholder name and identification number for each lease, while operating under the permit;

g. copies of vessel registration certificate(s) or U.S. Coast Guard vessel documentation certificate;

h. proof of lease ownership by supplying copies of certified lease plats and/or documents:

i. corporation—if lessee name on plat is a corporation, provide the Louisiana Secretary of State Charter/Organization number. The applicant must be a registered director or agent of the corporation. If the applicant has been given permission to fish the lease(s) by the corporation, please refer to Subparagraph B.2.i below;

ii. power of attorney—if lease(s) listed on the application are not listed under the applicant's account, the applicant shall provide documentation of power of attorney for the estate of the leaseholder. If the applicant has been given permission to fish the lease(s) by the estate of the leaseholder, please refer to Subparagraph B.2.i below;

i. written, signed, notarized, and dated permission from the leaseholder to fish the lease(s), if applicable:

i. corporation—the person granting permission must be a registered director or agent of the corporation which owns the lease(s) listed on the application;

ii. power of attorney—the person granting permission must provide documentation of power of attorney for the estate of the leaseholder which owns the lease(s) listed on the application.

C. Operations. Permits are non-transferable and only the vessel listed on the permit can be used with the permit and only one vessel is allowed per permit. The vessel must maintain the original permit on board at all times while operating under the permit, including during times of fishing and transportation. Valid permission from the leaseholder must be present on the permitted vessel while operating under the permit. The complete original permit must be surrendered to the department in the event the permittee chooses to have the permit modified. Any change in leases fished shall require the permittee to submit a new application at no additional expense prior to fishing different leases. Any change in vessel shall require the permittee to submit a new application and permit fee. At no time while operating under the permit and transporting oysters out-of-state shall the permittee have on board the permitted vessel oysters taken from non-leased water bottoms of the state or from oyster leases not listed on the original permit. The permitted vessel shall display signs, visible from either side of the vessel and from the air, with the words "Oyster Permit" and the permit number shall be placed on these signs in letters at least 12 inches high.

D. Records, Reporting, and Severance Tax. The permittee shall maintain an up-to-date daily record of the number of sacks of oysters landed under the permit on forms provided by the department for that purpose. The permittee shall submit to the department a monthly record of the number of sacks of oysters landed under the permit and the name and Food and Drug Administration interstate certified

shellfish shipper's number of the business to whom the oysters were sold no later than 15 days following the last day of the month on forms provided by the department for that purpose, even if no landings occurred. Failure to submit monthly records or incomplete records to the department before the reporting deadline shall result in suspension or revocation of the permit, at the discretion of the department. Payment of severance tax owed, as outlined in Louisiana R.S. 56:446(A) must accompany the monthly report.

E. Monitoring. The vessel utilized under this permit shall have on-board and in working order an electronic vessel monitoring system as required by R.S. 56:424, as provided herein. Oyster vessels, the owner or operator of any vessel issued an oyster lessee out-of-state landing permit or a vessel that landed oysters from a private lease in Louisiana waters, at a location outside of Louisiana, or intends to land, or lands oysters out of state, must have an operable vessel monitoring system (VMS) unit installed on board that meets the requirements of LAC 76:VII.371. The VMS unit must be certified, installed on board and operable, and the department notified of the installation, before the vessel may begin dredging or transporting oysters.

F. Violation. Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be considered a violation of the Section of law requiring the use of VMS and requirements of probation where applicable. All fish taken or possessed by a person in violation of these rules shall be deemed illegally taken and possessed. The provisions of this Section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions. Violations of this Section shall constitute a Class 2 violation. As a condition maintaining and operating under this permit, persons shall comply with the VMS provisions regardless of the vessels location, failure to comply with VMS rules and regulations, the department shall revoke and not reinstate the Out-of-State Landing Permit for that vessel and person for the period in which it was issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:120 (February 1996), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:1624 (July 2005), LR 34:889 (May 2008).

§517. Public Oyster Seed Grounds—Portions of Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, Deep Lake, and Barataria Bay

A. The following areas are designated as oyster seed grounds:

1.a. Lake Mechant, Terrebonne Parish: The state waterbottoms within the following corners.

29o 19' 45.36273" N	90o 58' 19.84034" W
29o 18' 52.50955" N	90o 57' 32.90680" W
29o 18' 41.04086" N	90o 55' 58.95532" W
29o 16' 47.29750" N	90o 56' 44.37133" W
29o 18' 33.55333" N	90o 57' 37.82946" W
29o 18' 46.69380" N	90o 59' 21.09926" W

b. Additional portions of the Lake Mechant Public Oyster Seed Grounds are described as follows.

i. Addition 1: Beginning at a point on the border of the existing Lake Mechant Public Oyster Seed Grounds at latitude 29 degrees 18 minutes 33.5533 seconds N and longitude 90 degrees 57 minutes 37.8295 seconds W; thence southerly to a point at latitude 29 degrees 18 minutes 14.8543 seconds N and longitude 90 degrees 57 minutes 39.1397 seconds W; thence southerly to a point at latitude 29 degrees 18 minutes 03.4928 seconds N and longitude 90 degrees 57 minutes 38.8965 seconds W; then southerly to a point at latitude 29 degrees 17 minutes 42.1030 seconds N and longitude 90 degrees 57 minutes 28.7632 seconds W; thence southwesterly to a point at latitude 29 degrees 17 minutes 36.2469 seconds N and longitude 90 degrees 57 minutes 35.9244 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 29.3388 seconds N and longitude 90 degrees 57 minutes 30.9068 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 18.0878 seconds N and longitude 90 degrees 57 minutes 26.2988 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 12.1229 seconds N and longitude 90 degrees 57 minutes 22.7942 seconds W; thence southeasterly to a point at latitude 29 degrees 17 minutes 04.4969 seconds N and longitude 90 degrees 56 minutes 57.2000 seconds W; thence southeasterly to a point at latitude 29 degrees 17 minutes 01.3854 seconds N and longitude 90 degrees 56 minutes 51.4572 seconds W; thence northwesterly along the existing Lake Mechant Public Oyster Seed Grounds border to the point of beginning.

ii. Addition 2: Beginning at a point on the border of the existing Lake Mechant Public Oyster Seed Grounds at latitude 29 degrees 18 minutes 41.0409 seconds N and longitude 90 degrees 55 minutes 58.9553 seconds W; thence southerly to a point at latitude 29 degrees 18 minutes 30.9866 seconds N and longitude 90 degrees 56 minutes 01.3860 seconds W; thence southeasterly to a point at latitude 29 degrees 18 minutes 15.9476 seconds N and longitude 90 degrees 55 minutes 53.2347 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 59.3179 seconds N and longitude 90 degrees 56 minutes 07.0156 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 21.1676 seconds N and longitude 90 degrees 56 minutes 21.2961 seconds W; thence southerly to a point at latitude 29 degrees 16 minutes 47.2975 seconds N and longitude 90 degrees 56 minutes 44.3713 seconds W; thence northerly along the border of the existing Lake Mechant Public Oyster Seed Grounds to the point of beginning.

2. Lake Tambour, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners.

29° 20' 30.73200" N 90° 31' 09.14598" W
29° 19' 51.16104" N 90° 29' 28.99726" W
29° 19' 59.29224" N 90° 29' 26.60078" W
29° 19' 50.06346" N 90° 30' 49.92953" W

3. Lake Chien, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners.

29° 20' 32.76107" N 90° 27' 00.06196" W
29° 19' 52.97766" N 90° 27' 17.37544" W
29° 19' 48.08926" N 90° 26' 08.51018" W
29° 20' 17.07711" N 90° 26' 01.32145" W

4. Lake Felicity, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners.

29° 19' 04.72932" N 90° 26' 58.50922" W
29° 18' 01.44630" N 90° 27' 47.32882" W
29° 18' 24.61153" N 90° 24' 04.57895" W
29° 19' 11.54946" N 90° 25' 19.67927" W

5. Deep Lake, Lafourche Parish. The state waterbottoms within a 4-sided figure with the following corners.

29° 17' 59.74050" N 90° 21' 25.89465" W
29° 17' 18.88030" N 90° 21' 24.62348" W
29° 17' 17.26209" N 90° 21' 03.04101" W
29° 18' 17.57225" N 90° 21' 01.40994" W

6. Barataria Bay, Jefferson Parish. The state waterbottoms within a 4-sided figure with the following corners.

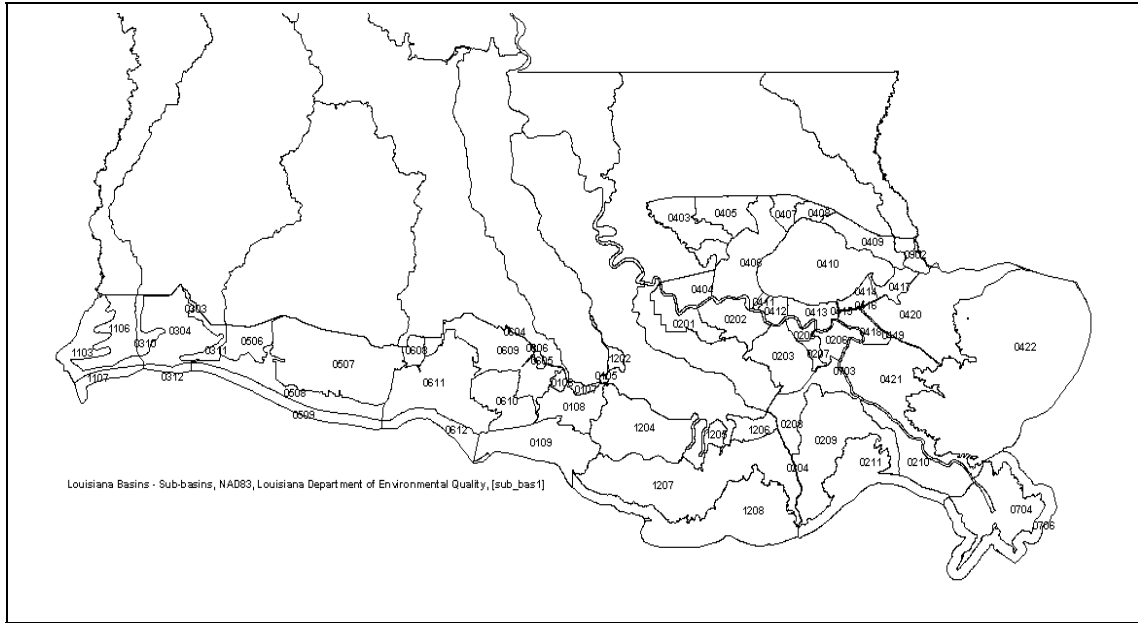
29° 20' 13.14881" N 89° 56' 54.91540" W
29° 17' 47.14426" N 89° 56' 59.91355" W
29° 17' 46.05927" N 89° 56' 23.01176" W
29° 20' 12.06107" N 89° 56' 19.01249" W

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:215 (February 2001), repromulgated LR 27:431 (March 2001), amended LR 33:2791 (December 2007).

§519. Establishment of an Oyster Harvest Area Grid System

A. For the purpose of submission of oyster leaseholder production information, as required in R.S. 56:430.1, the oyster harvest area grid system is established as those grid areas detailed on the map which is attached hereto and made a part hereof.



AUTHORITY NOTE: Promulgated in accordance with R.S. 56:430.1.B.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:524 (March 2002), amended LR 29:2515 (November 2003).

§521. Public Oyster Seed Grounds—Little Lake

A. The Little Lake Public Oyster Seed Grounds is described as that portion of the state-owned water bottoms within the boundary as shown on a map by the Department of Wildlife and Fisheries, dated August 29, 2006, and more particularly described.

1. Beginning at the intersection of the western shoreline of Barataria Waterway and the northern shoreline of Bayou St. Denis at latitude 29 degrees 29 minutes 41.385 seconds North, longitude 90 degrees 01 minutes 12.443 seconds West; thence southerly to a point at latitude 29 degrees 29 minutes 32.297 seconds North, longitude 90 degrees 01 minutes 08.030 seconds West; thence southerly to a point at latitude 29 degrees 29 minutes 23.314 seconds North, longitude 90 degrees 01 minutes 10.035 seconds West; thence southerly to a point at latitude 29 degrees 29 minutes 09.521 seconds North, longitude 90 degrees 01 minutes 15.178 seconds West; thence westerly to a point at latitude 29 degrees 29 minutes 10.637 seconds North, longitude 90 degrees 01 minutes 29.713 seconds West; thence southerly to a point at latitude 29 degrees 28 minutes 33.134 seconds North, longitude 90 degrees 01 minutes 30.449 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 40.110 seconds North, longitude 90 degrees 03 minutes 27.833 seconds West, thence southerly to a point at latitude 29 degrees 28 minutes 36.574 seconds North, longitude 90 degrees 03 minutes

29.741 seconds West; thence southwesterly to a point at latitude 29 degrees 28 minutes 22.052 seconds North, longitude 90 degrees 03 minutes 56.413 seconds West; thence southwesterly to a point at latitude 29 degrees 28 minutes 20.369 seconds North, longitude 90 degrees 04 minutes 01.526 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 19.527 seconds North, longitude 90 degrees 04 minutes 16.811 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 19.340 seconds North, longitude 90 degrees 04 minutes 23.149 seconds West; thence southwesterly to a point at latitude 29 degrees 28 minutes 12.363 seconds North, longitude 90 degrees 04 minutes 28.498 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 13.253 seconds North, longitude 90 degrees 04 minutes 33.578 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 13.533 seconds North, longitude 90 degrees 04 minutes 36.968 seconds West; thence southerly to a point at latitude 29 degrees 28 minutes 11.567 seconds North, longitude 90 degrees 04 minutes 38.407 seconds West; thence southerly to a point at latitude 29 degrees 28 minutes 05.627 seconds North, longitude 90 degrees 04 minutes 38.482 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 58.698 seconds North, longitude 90 degrees 04 minutes 38.568 seconds West; thence westerly to a point at latitude 29 degrees 27 minutes 55.110 seconds North, longitude 90 degrees 04 minutes 46.543 seconds West; thence westerly to a point at latitude 29 degrees 27 minutes 52.581 seconds North, longitude 90 degrees 05 minutes 06.066 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 48.538 seconds North, longitude 90 degrees 05 minutes 03.132 seconds West; thence easterly to a point at latitude 29 degrees 27 minutes 49.851 seconds North,

longitude 90 degrees 04 minutes 45.184 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 37.031 seconds North, longitude 90 degrees 04 minutes 37.154 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 36.560 seconds North, longitude 90 degrees 04 minutes 36.658 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 24.833 seconds North, longitude 90 degrees 04 minutes 38.534 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 18.564 seconds North, longitude 90 degrees 04 minutes 37.351 seconds West; thence westerly to a point at latitude 29 degrees 27 minutes 23.151 seconds North, longitude 90 degrees 04 minutes 54.963 seconds West; thence southwesterly to a point at latitude 29 degrees 27 minutes 11.170 seconds North, longitude 90 degrees 05 minutes 08.473 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 06.634 seconds North, longitude 90 degrees 05 minutes 08.198 seconds West; thence southwesterly to a point on the southern shoreline of Little Lake at latitude 29 degrees 27 minutes 03.038 seconds North, longitude 90 degrees 05 minutes 14.223 seconds West; thence westerly along the shoreline of Little Lake to the intersection of the western shoreline of Little Lake and the southern shoreline of Bay L'ours at latitude 29 degrees 30 minutes 02.067 seconds North, longitude 90 degrees 12 minutes 02.839 seconds West; thence westerly along the shoreline of Bay L'ours to the intersection of the northern shoreline of Bay L'ours and the western shoreline of Little Lake at latitude 29 degrees 31 minutes 05.281 seconds North, longitude 90 degrees 11 minutes 51.880 seconds West; thence northerly along the western shoreline of Little Lake to the intersection of the northern shoreline of Little Lake and the western shoreline of Bayou Perot at latitude 29 degrees 34 minutes 11.659 seconds North, longitude 90 degrees 10 minutes 13.934 seconds West; thence northerly along the western shoreline of Bayou Perot to a point on the western shoreline of Bayou Perot at latitude 29 degrees 34 minutes 40.000 seconds North, longitude 90 degrees 10 minutes 08.000 seconds West; thence east to a point on the eastern shoreline of Bayou Perot at latitude 29 degrees 34 minutes 40.000 seconds North, longitude 90 degrees 09 minutes 20.000 seconds West; thence southerly along the eastern shoreline of Bayou Perot to the intersection of the eastern shoreline of Bayou Perot and the northern shoreline of Little Lake at latitude 29 degrees 33 minutes 55.686 seconds North, longitude 90 degrees 10 minutes 18.146 seconds West; thence southeasterly along the northern shoreline of Little Lake to the intersection of the northern shoreline of Little Lake and the western shoreline of Turtle Bay at latitude 29 degrees 31 minutes 57.674 seconds North, longitude 90 degrees 08 minutes 55.092 seconds West; thence northeasterly along the shoreline of Turtle Bay to the intersection of the eastern shoreline of Turtle Bay and the northern shoreline of Little Lake at latitude 29 degrees 31 minutes 55.937 seconds North, longitude 90 degrees 06 minutes 28.544 seconds West; thence southeasterly along the northern shoreline of Little Lake to a point on the northern shoreline of Little Lake at latitude 29 degrees 31 minutes 28.031 seconds North, longitude 90 degrees 05 minutes 14.708 seconds

West; thence southeasterly to the intersection of the eastern shoreline of Little Lake and the northern shoreline of Bayou St. Denis at latitude 29 degrees 31 minutes 20.272 seconds North, longitude 90 degrees 04 minutes 50.608 seconds West; thence southeasterly along the northern shoreline of Bayou St. Denis to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:297 (February 2007).

§523. Oyster Cargo Vessels

A. Policy. The Oyster Cargo Vessel (OCV) permit is intended to assist oyster harvesters with meeting refrigeration requirements as set forth in the Louisiana Department of Health and Hospitals Shellfish Sanitation Code (Title 51) and to facilitate harvest and transport of shell-stock harvested from Louisiana water bottoms. It is also intended to provide an effective method of regulating the transfer of oysters from harvest vessels to cargo vessels which will land or off-load oysters. Violation of any provision of the rules, regulations or statutes concerning the oyster cargo vessel permit by the permittee, oyster harvester or vessel owner while operating under the OCV permit shall result in suspension and/or revocation of the permit in addition to any citations resulting from activities.

B. Permit Procedures

1. Permits shall be available from the Department of Wildlife and Fisheries (LDWF) licensing office in Baton Rouge at any time during regular business hours. The OCV permit may be purchased at any time of the year for the current license year and from November 15 for the immediately following year, and shall be valid for up to one calendar year beginning January 1 and expiring on December 31 of the same calendar year. The annual fee per permit shall be \$250 for residents and \$1105 for nonresidents.

2. Permits shall be issued in the name of the vessel owner and shall have the vessel identified on the license.

3. Any designee obtaining the permit on the vessel owners behalf must present to LDWF licensing a signed, notarized document from the vessel owner, which includes the vessel owner's name, address, Social Security number, date of birth and driver's license number, and registration number or USCG document number of the vessel to be permitted, giving permission for the designee to obtain the permit. If the owner of such vessel is a corporation, the Louisiana Secretary of State's charter/organization identification number shall be required and the permission document shall be signed by a registered agent or director of the corporation as identified by the Louisiana Secretary of State's office. Permits shall only be issued to validly licensed vessels.

C. Operations. Permits are non-transferable and only the vessel listed on the permit can be used with the permit and only one vessel is allowed per permit. The vessel must

maintain the original permit on board at all times while operating under the permit, including times of fishing and transportation. The permitted vessel shall display signs, visible from either side of the vessel and from the air, with the words "OCV Permit" and the permit number shall be placed on these signs in letters at least 12 inches in height.

1. All vessels operating as oyster cargo vessels under this permit shall be required to meet Louisiana Department of Health and Hospitals Shellfish Sanitation Code requirements.

D. Records, Reporting. The applicant, vessel owner or a designee on board a legally permitted oyster cargo vessel shall only transport oysters taken by the other legally licensed commercial oyster harvesters on behalf of a certified dealer legally licensed in Louisiana and shall be required (on behalf of a certified dealer only) to complete all required records pertaining to oysters at the point oysters are transferred to the receiving vessel. No person shall transfer oysters to any commercial vessel for purposes of refrigeration, sale or transport unless the receiving vessel has an oyster cargo vessel permit as described in R.S. 56:422(E).

E. Landing. All oysters taken from the reefs of this state and transported by a legally permitted oyster cargo vessel must be landed in Louisiana in accordance with R.S. 56:424G(1). No person operating under an oyster cargo vessel permit shall land any oysters taken by another harvester outside the jurisdiction of Louisiana.

F. Tagging. All oysters transferred to an oyster cargo vessel must be properly sacked or containerized and tagged in accordance with the provisions of R.S. 56:449 and must meet all Louisiana Department of Health and Hospital Shellfish Sanitation Administrative Code requirements that relate to the tagging of shellfish prior to being placed on board any oyster cargo vessel.

G. Monitoring. The vessel utilized under this permit shall have on-board and in working order an electronic vessel monitoring system as required by R.S. 56:424, and as provided in LAC 76:VII.371. The owner or operator of any vessel issued an oyster cargo vessel permit, must have an operable vessel monitoring system (VMS) installed on-board that meets the requirements of LAC 76:VII.371. The VMS unit must be certified, installed on board and operable, and the department notified of the installation, before the vessel may begin receiving and transporting oysters.

H. Violation. Failure to abide by any regulation set forth regarding permitted oyster cargo vessels shall be deemed a violation of this Section. All oysters placed on-board from another vessel, possessed, or transported by an oyster vessel in violation shall be considered illegally taken, possessed, or transported. All persons aboard vessels with oysters placed on-board from another vessel without complying with the requirements herein shall be in violation of the oyster cargo vessel regulations. The provisions of this Section do not exempt any person from any other laws, rules, regulations and license requirements for this or other states as they

pertain to the transfer or shipment of shellfish. Violations of this Section shall constitute a class 4 violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:422(E).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34:2679 (December 2008).

§525. Commercial Oyster Seed Ground Vessel Permit

A. Policy. For license year beginning 2009 any oysters taken for commercial purposes from the public natural reefs or the oyster seed grounds or reservations, except those in Calcasieu Lake or Sabine Lake, shall be placed only on a vessel which has an oyster seed ground permit issued exclusively by the department. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold, exchanged, or otherwise transferred. No new applications for vessel permits shall be accepted after December 31, 2009. The permit shall be valid for up to one calendar year beginning on January 1 and ending on December 31 of the same year, but may be made available for purchase beginning on November 15 for the immediately following license year. The cost per permit shall be \$15 for residents and \$60 for non-residents.

B. Eligibility. Only vessel owners meeting the eligibility requirements outlined in R.S. 56:433.1 shall be issued a permit. Permit applicants must provide to the Licensing Section of the department proof of vessel ownership by submitting the current certificate of registration or certificate of documentation with the United States Coast Guard to the Licensing Section of the department.

C. Proof of Participation: In addition to the requirement in Subsection B herein, applicants must meet either Paragraph 1, 2 or 3 below to be issued a permit:

1. applicant owned a vessel that was properly licensed and registered in applicant's name during a time in which department trip ticket records demonstrate that the vessel had commercial oyster landings in the state of Louisiana between January 1, 2004 and May 31, 2007;

2. for applicants who purchased or constructed a vessel and licensed that vessel for commercial fishing in the state of Louisiana between January 1, 2004 and April 30, 2008, and department trip ticket records demonstrate that oysters were landed on that vessel in the state of Louisiana between the time of the vessel's purchase or construction and July 1, 2008;

3. for applicants with a newly constructed vessel or a vessel under construction, the vessel has not been previously registered in any state or foreign country or issued a USCG documentation number, and the applicant presents to the Licensing Section of the department:

a. a signed, dated, and notarized verification from a marine surveyor qualified and accredited by NAMS (National Society of Marine Surveyors) or SAMS (Society of Accredited Marine Surveyors) that construction of the vessel for which the permit will be issued was at least 50 percent complete by July 1, 2008, or

b. a signed, dated, and notarized verification from the corporation that built the vessel that construction of the vessel for which the permit will be issued was at least 50 percent complete by July 1, 2008.

D. Applications. Applications for the initial permit shall only be accepted by the department from such persons who meet eligibility requirements as outlined in R.S. 56:433.1 and this rule. Applications shall only be made on forms supplied by the department. No new applications for vessel permits shall be accepted after December 31, 2009. Only permit holders who held a valid permit during the prior year shall be eligible to purchase a permit for the following license year.

E. Operations

1. Permits are non-transferable and only the vessel listed on the permit can be used with the permit and only one vessel is allowed per permit. The original valid permit must be onboard at all times while operating under the permit.

2. Permits cannot be assigned or transferred or used by any other vessel than the one to which permit was issued.

3. Vessels engaged in an activity for which this permit is required must have onboard the vessel the valid original permit and shall show the permit upon demand to a duly authorized agent of the department.

4. The secretary shall have the authority to require the use of a vessel monitoring system (VMS) for use by a vessel taking oysters for commercial purposes under the authority of the oyster seed ground vessel permit in accordance with R.S. 56:433.1. All equipment, installation, and service costs associated with this requirement shall be paid for by the department. The secretary shall review this requirement annually for management needs and funding availability and may, at his sole discretion, make the determination to continue the requirement.

a. All vessels operating under the authority of the oyster seed ground vessel permit will be required to have a VMS on board which is fully operable and recording data while vessel is fishing on public oyster seed grounds.

i. In instances where funding is limited, the secretary may choose a sub-sample of vessels through use of a random selection process, geographic area, and/or trip ticket landings data.

b. Owners of vessels requiring the use of VMS will be notified of such requirement by certified mail at the address listed on their permit.

c. Notwithstanding applicable requirements pursuant to provisions in LAC 76:VII.371, any vessel required to use VMS under this provision must use the VMS system provided by the department.

d. Presumption. If a VMS unit fails to record or transmit the required signal of a vessel's position (identified by the indicator light), the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to

record or transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction, or disruption of the transmission that occurred while the vessel was declared out of the fishery, as applicable, or was not at sea. If the indicator light is on, then the unit is presumed to be functioning properly; however, if the indicator light is off then the unit is presumed to not be recording or transmitting. The permit holder shall have an affirmative duty to immediately notify the Department of Wildlife and Fisheries (LDWF) if the VMS fails to record or transmit the required signal or if the indicator light indicates such a failure.

e. Replacement. If the indicator light on the VMS unit is not working, then upon notification to LDWF, a new unit shall be re-installed in no later than seven days. During the period without a functional VMS unit, it is the affirmative duty of the permit holder to report daily to LDWF, prior to departure, the vessel's anticipated fishing location and estimated time on water, and upon return, the vessel's actual fishing location and time on water.

f. Access. All vessel owners shall allow the LDWF, and their authorized wildlife enforcement agents or designees access to the vessel's VMS unit and data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

g. Tampering. Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accurately compute the vessel's position fix.

h. Violation. Failure to abide by any regulation set forth by this Section regarding the use or operation of a VMS by a vessel taking oysters for commercial purposes under the authority of the oyster seed ground vessel permit, shall be a violation of the Louisiana Revised Statutes and shall result in immediate revocation of the permit governed herein and shall constitute a class 1 violation under the authority of R.S. 56:23. All fish taken or possessed by a person in violation of these rules shall be deemed illegally taken and possessed. The provisions of this Section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions.

F. Appeals. An applicant may appeal a decision of the department denying a permit to the Oyster Seed Ground Vessel Permit Appeals Board. An appeal must be received by the department no later than 30 days after the date of denial by the department on a form prescribed by the department. The appeal must include a statement as to why the applicant believes the department incorrectly determined the applicant ineligible for the permit or why the applicant is entitled to a permit based on a determination of hardship. The appeal shall include any documentation in support thereof.

1. The board's decision shall be limited to a determination of whether the department incorrectly determined that the applicant was ineligible for a permit or a

determination that the applicant should be issued a permit based on determination of hardship.

2. The board shall review all information provided and after deliberation determine whether an applicant should be issued a permit. A decision to issue a permit shall be upon favorable vote of the majority of the appointed members of the board. The board shall issue a written decision which clearly states the rationale for the decision.

3. The board shall make a decision within 60 days of the date of appeal.

G. Enforcement. The taking of oysters for commercial purposes from public natural reefs or oyster seed grounds or reservations without an oyster seed ground permit is a Class 2 violation and upon conviction will require use of a vessel monitoring system for that vessel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:610(L), R.S. 56:6, R.S. 56:23, and R.S. 56:433.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34:2681 (December 2008), amended LR 38:1998 (August 2012).

§527. Oyster Seed Ground Vessel Permit Renewal and Re-Issuance

A. Renewal Permit. A holder of a valid permit for the current license year may apply for a renewal of the permit for the immediately following license year beginning on November 15 of the current license year or at any time during the immediately following license year, provided the holder and the vessel are identical to the holder and vessel listed on the permit for the current license year.

B. Re-Issuance Permit. The following persons shall be eligible to apply for a re-issuance permit.

1. A holder of a valid permit for the current or immediately preceding license year whose vessel listed on the permit is no longer in-service for the commercial harvest of oysters on the public seed grounds may apply for a re-issuance permit in the holders name for another vessel. The current permit shall be relinquished to the department prior to obtaining a re-issuance permit.

2. A person acquiring a vessel listed on a valid permit for the current or immediately preceding license year may apply for a re-issuance permit for the vessel in the applicant's name upon providing documentation to the department that the vessel is titled in the applicant's name. Documentation shall be in the form of a bill of sale, judgment of possession, or act of donation. The current permit shall be relinquished to the department prior to obtaining a re-issuance permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:433.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 35:503 (March 2009).

§529. Oyster Seed Ground Vessel Permit Appeals Board

A. A person whose application for an Oyster Seed Ground Vessel Permit is denied by the department may

appeal the denial to the Oyster Seed Ground Vessel Appeals Board. Based upon the following procedure and requirements, the appeals board may recommend to the secretary that a permit be issued.

1. Hardship. The appeals board may recommend issuance of an Oyster Seed Ground Vessel Permit based on a decision of hardship.

a. An applicant submitting an appeal based upon the denial of an initial application submitted on or before December 31, 2009 for a Seed Ground Vessel Permit shall demonstrate by clear evidence that all of the following requirements have been met.

i. The applicant legally harvested oysters from the public seed grounds, either for market or seed, during at least two of the license years 2004, 2005, 2006, 2007, and 2008. This evidence may be trip ticket information or notarized written statements of two Louisiana licensed oyster harvesters.

ii. If the applicant is an individual, the applicant shall have held a Louisiana Commercial Fishing License and a Louisiana Oyster Harvester's License for at least two of the license years 2004, 2005, 2006, 2007, and 2008.

iii. One of the following conditions prevented the applicant's ability to otherwise meet the statutory eligibility requirements for a permit:

(a). divorce proceeding;

(b). bankruptcy or bank foreclosure;

(c). dissolution of an oyster harvesting business partnership;

(d). applicant's former or current vessel was the subject of a lawsuit;

(e). military service;

(f). serious medical condition or death;

(g). applicant's former or current vessel was damaged or destroyed in a fire, natural disaster, sinking, or other accident.

b. An applicant submitting an appeal based upon the denial of a renewal or re-issuance permit application, shall provide clear evidence that one of the following prevented the applicant from otherwise meeting the eligibility requirements for a renewal or re-issuance permit:

i. military service;

ii. serious medical condition or death;

iii. applicant's former or current vessel was damaged or destroyed in a fire, natural disaster, sinking, or other accident.

2. Eligibility. The appeal application for a permit based upon eligibility must set forth in detail the facts the applicant is contending meet the eligibility requirements for a permit under the eligibility requirements provided in R.S. 56:433.1 and the rules promulgated pursuant thereto. The

appeal application shall include the application submitted to and denied by the department.

3. The appeal application shall include the applicant's name, address, tax identification or Social Security number, date of birth or date of incorporation, and vessel registration or documentation number.

4. No other appeals shall be considered by the board unless additional rules or regulations are developed to address different circumstances.

5. After consideration, the appeals board may recommend to the secretary that the department issue a permit, but only upon affirmative vote of a majority of the appointed members of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:433.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 35:503 (March 2009).

§531. Oyster Lease Relocation

A. Eligibility. Those leases which are currently located wholly within a public oyster seed ground, and any former leases which were determined by the Department of Wildlife and Fisheries to have been non-renewed since 1998 due to the fact that such leases were wholly contained within a public oyster seed ground, shall be eligible for relocation.

B. Area of Relocation. The below described area, recommended by the Department of Wildlife and Fisheries and approved by the Office of Coastal Protection and Restoration, in consultation with the Louisiana Oyster Task Force, is hereby set aside from the Public Oyster Seed Grounds east of the Mississippi River, as described in Louisiana Administrative Code (LAC) 76:VII.511. This area is more particularly described as that area within the following coordinates (North American Datum 1983):

1. 89 degrees 27 minutes 49.74 seconds W
29 degrees 27 minutes 48.91 seconds N;
2. 89 degrees 26 minutes 36.54 seconds W
29 degrees 27 minutes 48.89 seconds N;
3. 89 degrees 26 minutes 36.47 seconds W
29 degrees 26 minutes 38.48 seconds N;
4. 89 degrees 28 minutes 04.69 seconds W
29 degrees 26 minutes 43.66 seconds N;
5. 89 degrees 28 minutes 58.49 seconds W
29 degrees 26 minutes 41.69 seconds N.

C. Amount Lease Acreage Available. Any new lease issued under this relocation program shall be for an amount of acreage not to exceed the acreage of the lease which is being relocated.

D. Notification and Application Process. The Department of Wildlife and Fisheries shall notify the leaseholder of an affected existing lease, or the leaseholder of record for a lease that was previously not renewed, of the option to relocate the lease. The affected leaseholder or leaseholder of record shall have 60 days from the date of

notification to appear in person at the LDWF Oyster Lease Survey Section office to apply for a relocation lease. Applications shall be on application forms provided by the department and shall be processed by the department in the order in which they are received by the department.

E. Deceased Leaseholders. Any person or entity desiring to exercise the relocation rights of an otherwise eligible deceased applicant must present a valid "letter of administration" or "judgment of possession" in order to exercise the relocation rights provided in this Section.

F. Partitioning of Leases. Any qualifying leasehold person or entity who requests to have his rights in a qualifying lease partitioned into two or more leases within the relocation area shall provide to the LDWF Oyster Lease Survey Section a valid court order designating such persons or entities, and their respective percentage of lease relocation rights.

G. Issuance of Relocated Leases. Relocated leases shall be issued pursuant to LAC 76:VII.501 and 503.

H. Expiration Date. This Rule shall expire on January 1, 2013.

AUTHORITY NOTE: Promulgated in accordance with Act 265 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:1625 (June 2011).

§533. Calcasieu Lake Oyster Harvester Permit

A. Any oyster taken from the Calcasieu Lake Public Oyster Area for commercial purposes during the open season shall only be taken by a person legally issued a Calcasieu Lake Oyster Harvester Permit by the department. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold, exchanged, or otherwise transferred. The permit is valid for one calendar year, beginning on January 1 and expiring on December 31 of the same calendar year. The permit may be obtained at any time of the year until November 15 for the current license year. A permit obtained on or after November 15 of the current license year shall be valid for the remainder of the current license year and expires on December 31 of the immediately following license year. This permit is only applicable for commercial harvest. Recreational fishermen may harvest one sack per person per day.

B. Applications. Initial application for the permit shall be made to the department. To be eligible for this permit the applicant must hold current and valid licenses and permits required for the harvest of oysters, including a commercial fisherman license and an oyster harvester license.

C. Operations. Vessels engaged in an activity for which this permit is required must have onboard the vessel the valid original permit and shall show the permit upon demand to a duly authorized agent of the department.

D. Enforcement. The penalties for violation of these commission regulations pertaining to taking, possessing, recording or reporting of landings or selling oysters from

Calcasieu Lake shall be as provided for in R.S. 56:435.1.1(E).

AUTHORITYNOTE: Promulgated in accordance with R.S. 56:6 and R.S. 56:435.1.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:3065 (October 2011), amended LR 38:2567 (October 2012).

§535. Alternative Oyster Culture Permits

A. Definitions. For purposes of this Section, the following terms shall have the following meanings.

Alternative Oyster Culture Activity or *AOC Activity*—any on-bottom, off-bottom, or other means of cultivating or growing oysters other than directly on reefs or other water bottoms, including but not limited to the use of on-bottom cages or bags or floating, suspended, or otherwise off-bottom cages or bags, and includes the harvesting of oysters so grown or cultivated.

Alternative Oyster Culture Permit, AOC Permit, or Permit—permit authorizing AOC activity, as authorized by R.S. 56:431.2, unless otherwise specifically provided.

Alternative Oyster Culture Permittee, AOC Permittee, or Permittee—person to whom an AOC permit has been issued or transferred, unless otherwise specifically provided.

Oyster Lease or *Lease*—oyster bedding ground lease of state water bottoms, or renewal thereof, pursuant to R.S. 56:427 or 428.

Secretary—secretary of the Department of Wildlife and Fisheries or his designee.

B. Permits. The secretary may issue alternative oyster culture activity permits in accordance with R.S. 56:431.2 and this rule.

1. **Authorized Activity.** An AOC permit authorizes the permittee and, upon written authorization by the permittee, any authorized user of the permit to engage in the AOC activities specified in the permit on the permit area. The permittee, any authorized user, and any laborer, deckhand, or other person working under the direction of a permittee or authorized user may engage in such activities on the water bottoms, in the water column, and on the water surface above the water bottoms within the permit area, to the extent specified in the permit, and in accordance with the provisions of R.S. 56:431.2 and this rule.

2. **Term.** An AOC permit is valid for 10 years or until termination of the oyster lease containing the permitted area (including any renewal thereof) to which the permit pertains, whichever occurs first. If the lease is renewed pursuant to R.S. 56:428, the permit shall continue in effect until expiration of the 10-year term. All permits shall expire December 31 of the last year of the permitted term.

3. **Transfer.** An AOC permit is transferrable only with the transfer of the lease containing the permitted area, and only to the transferee of the lease. If the lease is transferred, the permit shall automatically terminate on the effective date of the transfer of the lease unless the permit is transferred

simultaneously with the transfer of the lease. If the lease is transferred by succession, the permit shall be presumed to have been transferred with the lease unless the transferee of the lease surrenders the permit to the department. Under no circumstances may the permittee be any person other than the lessee of the lease containing the permitted area. Wherever the term “permittee” is used in a permit or this rule, it includes any transferee of that permit unless the context clearly requires otherwise. The department will charge the transferee a fee of \$10 per permit for transfer of a permit.

4. **Authorized Users.** An AOC permittee may authorize any person holding a valid oyster harvester license pursuant to R.S. 56:303.6 and a valid commercial fisherman's license pursuant to R.S. 56:303 to engage in permitted AOC activities on the permit area. Any such authorization shall be in writing. Laborers, deckhands, and other persons working under the direction of a permittee or authorized user do not themselves need a permit or authorization. Wherever the term “permittee” is used in a permit or this rule, it includes any authorized user of that permit unless the context clearly requires otherwise.

5. **Permit Availability.** Persons engaged in AOC activities must show the permit upon demand to a duly authorized agent of the department. Authorized users engaged in AOC activities must also show the written authorization upon demand to a duly authorized agent of the department.

6. **Permit Fee.** The fee for an AOC permit is \$2 per acre or fraction of an acre, per year (or fraction of a year through December 31, for the first year).

a. AOC permit fee notices will be mailed to AOC permittees at least 30 days in advance of the due date, which is January 1 of each year.

b. During the first week of February of each year, the department will compile a list of AOC permits that are in default. After compiling the list, each AOC permittee will be notified by certified mail that his permit is in default and will be canceled if payment is not received by March 31.

7. **Hours of Operation.** No person shall conduct AOC activities between the hours of one-half hour after sunset and one-half hour before sunrise.

8. Compliance with Other Laws

a. The permittee shall comply with all other applicable laws, regulations, and orders, including but not limited to those pertaining to oyster leases, oyster fishing, fisheries closures, coastal use permits, and obstruction to navigation, construction, wetlands, dredge, or fill permits.

b. With respect to any oysters grown, harvested, or otherwise present in or removed from the permit area, the permittee shall comply with all requirements that would be applicable under any law, regulation, or order if the oysters had been grown on the water bottom, unless otherwise provided in R.S. 56:431.2 or this rule.

9. Amendment. Upon application by the permittee, an AOC permit may be amended by the secretary, subject to the same requirements for and discretion of the secretary regarding an original permit application. The application for the amendment shall specify all respects in which the permit is sought to be amended. A new plat and schematics shall be provided, if the permitted acreage or location or extent of permitted facilities is sought to be amended. A greater or lesser removal bond may be required, if the types or extent of the permitted AOC activities, facilities, or equipment are sought to be amended. The original term of the permit cannot be amended.

10. Termination. An AOC permit is terminable by the secretary:

a. upon conviction or guilty plea to a significant violation or repeated violations of the permit, or a Class 4 or greater oyster-related violation as defined in the laws pertaining to wildlife and fisheries, by the permittee or anyone authorized by the permittee to engage in AOC activities on the permitted area;

b. for failure to pay the annual permit fee by March 31;

c. for provision of false information in relation to the permit or the application for the permit; or

d. upon the permittee's surrender of the permit to the department.

11. Removal of Equipment. The AOC permittee shall remove all equipment, facilities, and other items used for AOC activities from the permit area within 120 days after termination, cancellation, or expiration of the AOC permit. However, the department may allow facilities or portions thereof (such as pilings below the surface of the water bottoms) to remain if authorized in writing by the Department of Natural Resources and the U.S. Army Corps of Engineers and in accordance with any such permission. The department will allow additional time for completion of removal activities during the pendency of a request for such authorization, and may also allow additional time due to extenuating circumstances upon written request by the permittee.

C. Applications

1. Eligibility. Applications for an AOC permit shall be accepted by the department only from persons who meet the eligibility requirements provided in R.S. 56:431.2 and this rule.

a. An AOC permit may be issued only to a leaseholder holding a valid oyster lease of state water bottoms pursuant to R.S. 56:427 or 428, and only for the state water bottoms leased pursuant to that lease.

b. No AOC permit may be issued to an applicant who has been convicted of or pled guilty to a class 4 or greater oyster-related violation, as defined in the laws pertaining to wildlife and fisheries, within three years prior to the submission of the application.

2. Appearance. An applicant must appear in person at the department's Oyster Lease Survey Section office in order to apply for an AOC permit, or provide power of attorney to an agent to appear and act on the applicant's behalf.

3. Forms and Required Information and Materials

a. Applications shall be accepted by the department only on forms supplied by the department, which shall include at a minimum:

i. name, physical address, mailing address, telephone number, and if applicable, email address of the applicant;

ii. commercial fisherman license number and oyster harvester license number of the applicant;

iii. lessee name and lease number of the oyster lease where the applicant seeks to engage in AOC activities;

iv. description of all AOC activities sought to be permitted;

v. description of all equipment or gear sought to be permitted and the quantities thereof; and

vi. description of all facilities sought to be permitted.

b. The applicant shall outline on a department map the area sought to be permitted, and the location and horizontal and vertical physical extent of all AOC activities and related facilities sought to be permitted.

c. The applicant shall submit one application per permit sought. The secretary or his designee may grant more than one permit per lease and more than one permit per leaseholder, but permit areas cannot overlap and cannot extend across lease boundaries.

d. The applicant shall submit all other local, state, and federal permits necessary for the activity authorized by the AOC permit, specifically including state coastal use permits (R.S. 49:214.30), federal obstruction to navigation section 10 (33 U.S.C. § 403) and section 9 (33 U.S.C. § 401) permits, Clean Water Act section 404 fill permits (33 U.S.C. § 1344), and state water quality certification (33 U.S.C. § 1341); or documentation from the relevant agencies establishing that such permits are unnecessary.

e. The applicant shall submit a cost estimate to remove and properly dispose of all equipment, facilities, and other items sought to be permitted. The cost estimate must be prepared by a contractor with no familial or business relationship with the applicant and with all licenses necessary to provide such services.

f. The department may request the applicant to submit additional information or documentation.

g. The application for an AOC permit shall be accompanied by an application fee of \$100.

h. The application shall be deemed complete only upon receipt by the department of all information and

documentation required by this rule, including any additional information or documentation required by the department. The secretary will consider only a complete application.

4. Plat. Prior to issuance of an AOC permit, the applicant shall submit to the department a plat meeting department specifications.

a. The plat shall comply with the following.

i. All corners of the lease and the proposed AOC permit area shall be shown, referenced to geographic coordinates (latitude and longitude) or the Louisiana State Plane Coordinate System, South Zone, NAD83, Survey Feet.

ii. All corners of the proposed facilities and equipment shall be shown, referenced to geographic coordinates (latitude and longitude) or the Louisiana State Plane Coordinate System, South Zone, NAD83, Survey Feet.

iii. Plats shall be drawn in black ink on standard oyster lease plats furnished by the Oyster Lease Survey Section, and the original shall become the property of same. The applicant shall provide a formatted ASCII file of the coordinates for each corner on the plat that complies with the Oyster Lease Survey Section's geographic information system. The plat shall contain the applicant's name, license number, and signature.

iv. The exact acreage sought to be permitted shall be shown on the plat, but for all purposes pertaining to the permit the acreage, even though calculated to the hundredth of acre, shall be rounded up to the next highest acre.

v. Application number and the applicant's name and lease number shall be shown on all plats as indicated on the original application.

vi. Use standard signs and symbols.

b. The plat shall include or be accompanied by a plot plan and schematics clearly showing the nature, location, and physical extent of all AOC activities sought to be permitted within the permit area, horizontally and vertically, and all facilities and equipment sought to be placed therein or used pursuant to the permit.

5. Investigation of State Water Bottoms. No AOC permit may be issued unless a reasonable investigation into the question of ownership is complete and, based on the findings, a determination is made that the State owns the water bottom to be covered by the AOC permit.

6. The department shall post notice of the application and a point of contact for comment on the department website, and provide such notice by email to all persons who have requested such notification in writing, at least 15 days prior to acting on the application.

7. Provision of insufficient or false information. Failure to provide information required by the department, after 30-day notification from the department by certified mail, or provision of false information, shall result in

cancellation of the application and forfeiture of all fees to the department.

8. Initial Annual Fee. Upon issuance of the AOC permit, the permittee shall pay the first annual permit fee, which is \$2 per acre or fraction of an acre permitted.

D. Discretionary Provisions. The secretary shall have discretion with respect to the following provisions in any AOC permit.

1. Permitted Activities. The secretary may issue AOC permits specifying particular AOC activities that are authorized thereby, regardless of whether the AOC permit as issued deviates from the application. The types of AOC activities that may be permitted are:

a. on-bottom cages, racks, or bags;

b. off-bottom cages, racks, or bags, suspended by poles or floats;

c. string or longline culture;

d. any other AOC activity as approved by the secretary in the permit.

2. Permitted Species. Unless otherwise specifically authorized by the secretary in the permit, AOC activities may be performed using only *Crassostrea virginica* (including all subspecies thereof or triploid *Crassostrea virginica*) from the Gulf of Mexico. However, the permittee shall obtain a disease certification issued by a competent biologist and approved by the department for all oysters, including seed or spat, sourced from any location outside the State of Louisiana.

3. Permit Area. The secretary may issue AOC permits in numbers, locations, sizes, and configurations specified by the secretary, regardless of whether the AOC permit as issued deviates from the application, except:

a. no permit area may extend beyond the boundaries of an existent oyster lease;

b. no permit area may exceed 2,000 feet in length or width;

c. permit areas must be separated by at least 100 feet;

d. no AOC permit may authorize AOC activities in an area that is any of the following at the time the AOC permit is issued:

i. designated by the United States Army Corps of Engineers as a navigation channel or waterway or within 1,500 feet of the centerline of such a channel or waterway;

ii. covered by a coastal use permit or drilling permit for fixed items such as wellheads, pipelines, access channels, wharves, docks, piers, or mooring dolphins, or located within 1,500 feet of the outside of the exterior boundaries of an area covered by such a coastal use permit or drilling permit;

iii. designated for dredging, direct placement of dredged or other materials, or other work or activities for the

construction or maintenance of a project for integrated coastal protection or within 1,500 feet of the outside of the exterior boundaries of an area designated for such dredging, direct placement, or other work or activities;

iv. located on land, or on water bottoms that are not claimed by the state of Louisiana, as determined by the State Land Office; or

v. otherwise determined by the department to be unsuitable or inappropriate for AOC activities. In making this determination, the department shall use the suitability mapping required by R.S. 56:431.2, any update or revision to the initial suitability mapping, any master plan or annual plan issued pursuant to R.S. 49:214.5.3, and any other information and data deemed relevant by the department, to identify areas that are unsuitable or inappropriate for AOC activities due to creation of unreasonable conflicts with other existing or anticipated uses of state waters and water bottoms. The department shall also consider the location and nature of existing AOC permits;

d. the permit area shall be located and configured so as to avoid unreasonable interference with surface navigation, passage by water craft, and any other authorized public use;

e. no fencing shall be allowed.

4. Equipment. The secretary may specify or impose limitations in the permit regarding the equipment and materials authorized or required to be used for AOC activities.

a. All equipment and materials used for AOC activities shall, at a minimum, comply with United States Coast Guard regulations and requirements, and with all state and federal fishing laws and regulations, as amended from time to time.

b. The secretary may impose additional requirements or limitations on equipment and materials usable or used for AOC activities from time to time.

c. Any equipment and materials used for AOC activities authorized pursuant to this Section may be transported or used in compliance with the provisions of this Section.

5. Marking. The secretary may specify or impose requirements in the permit for marking, lighting, or warning devices authorized or required in relation to AOC activities.

a. Marking, lighting, and warning devices for AOC activities shall, at a minimum, comply with United States Coast Guard regulations and requirements, and with all state and federal laws and regulations, as amended from time to time.

b. All areas where such equipment or materials are present on state water bottoms or in the water column shall be clearly marked. At a minimum, the AOC permittee shall comply at all times with the following requirements.

i. The AOC permittee shall place and maintain markers along the boundaries of the permit area, at intervals of 75 feet, between 3 and 12 feet above the water level.

ii. The AOC permittee shall place and maintain markers along the boundaries of the areas where AOC facilities or equipment are actually located, at intervals of 20 feet, between 3 and 12 feet above the water level.

iii. The AOC permittee shall place and maintain buoys conforming to United States Coast Guard markings at all corners of the permit area and the areas where AOC equipment or facilities are actually located, and midway between the corners if separated by more than 1000 feet.

c. Each buoy, each main cage, bag, or float, and each structure used for AOC activities shall contain an indelible and permanent tag that includes the AOC permit number.

6. Reporting. The secretary may impose requirements in the permit for the AOC permittee to report information or data to enable the department to monitor the activities under the AOC permit or to study such activities and their results. Such information is not privileged and may be disseminated to the public.

7. Removal Bond. The secretary may require an AOC permittee to post a reasonable surety bond in an amount to be determined by the department, commensurate with the anticipated cost to remove and properly dispose of all permitted equipment, facilities, and other items. In determining the amount of the bond, the department shall consider but is not bound by the cost estimate for removal provided by the applicant, and shall take into account reasonably-anticipated cost increases through the term of the permit and any other relevant information.

E. Mandatory Provisions. The secretary shall include the following provisions in any AOC permit.

1. "This permit is terminable by the department upon significant or repeated violation of the permit or any applicable statutes, rules, or regulations by the permittee or anyone authorized by the permittee to engage in AOC activities on the permitted area."

2. "The permittee hereby indemnifies and holds harmless the State of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof against and from any claim arising as a result of operations by or for the permittee pursuant to this permit."

3. "The permittee and anyone using this permit hereby holds the State of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof harmless from any claims arising under or as a result of the issuance of this permit in relation to diversions of fresh water or sediment, dredging or direct placement of dredged or other materials, any other actions taken for the purpose of integrated coastal protection, or adverse effects on water quality, including but

not limited to increased sedimentation or eutrophication or fluctuations in salinity or pH.”

4. “The permittee shall remove and properly dispose of all equipment, facilities, and other items used for alternative oyster culture activities within 120 days after termination, cancellation, or expiration of the permit, unless otherwise authorized by the department.”

F. Office Procedures

1. Copy Fees. A fee for all maps, leases, plats or documents, will be charged, as set forth at LAC 76:VII.501.E, as such fees may change from time to time.

G. Enforcement

1. Violation of an AOC permit, including conducting any AOC activity that is not expressly authorized by a permit, is a class 3 violation, as defined in R.S. 56:33.

2. Theft of or intentionally causing damage to properly permitted alternative oyster culture equipment or oysters contained in such equipment is a class 4 violation, as defined in R.S. 56:34.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:431.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 39:516 (March 2013).

§537. Establishment of Recreational Reef Sites and Restriction of Oyster Harvest

A. The Wildlife and Fisheries Commission hereby establishes the following recreational reef sites:

1. California Point-Plaquemines Parish

- a. 29 degrees 29 minutes 08.86 seconds N
89 degrees 29 minutes 11.15 seconds W
- b. 29 degrees 29 minutes 08.63 seconds N
89 degrees 28 minutes 54.46 seconds W
- c. 29 degrees 28 minutes 54.02 seconds N
89 degrees 28 minutes 54.73 seconds W
- d. 29 degrees 28 minutes 54.25 seconds N
89 degrees 29 minutes 11.42 seconds W

2. Bay Ronquille-Plaquemines Parish

- a. 29 degrees 19 minutes 52.76 seconds N
89 degrees 50 minutes 34.16 seconds W
- b. 29 degrees 20 minutes 02.34 seconds N
89 degrees 50 minutes 24.99 seconds W
- c. 29 degrees 20 minutes 01.34 seconds N
89 degrees 50 minutes 40.21 seconds W
- d. 29 degrees 20 minutes 09.09 seconds N
89 degrees 50 minutes 44.75 seconds W

3. St. Tammany (east)-St. Tammany Parish

- a. 30 degrees 13 minutes 48.36 seconds N
89 degrees 57 minutes 15.24 seconds W
- b. 30 degrees 13 minutes 48.36 seconds N
89 degrees 56 minutes 27.24 seconds W
- c. 30 degrees 13 minutes 06.36 seconds N
89 degrees 56 minutes 27.24 seconds W
- d. 30 degrees 13 minutes 06.36 seconds N
89 degrees 57 minutes 15.24 seconds W

4. St. Tammany (west)-St. Tammany Parish

- a. 30 degrees 18 minutes 41.88 seconds N
90 degrees 09 minutes 24.00 seconds W
- b. 30 degrees 18 minutes 41.88 seconds N
90 degrees 08 minutes 36.00 seconds W
- c. 30 degrees 17 minutes 59.88 seconds N
90 degrees 08 minutes 36.00 seconds W
- d. 30 degrees 17 minutes 59.88 seconds N
90 degrees 09 minutes 24.00 seconds W

5. St. Tammany Pier-St. Tammany Parish

- a. 30 degrees 12 minutes 28.34 seconds N
89 degrees 47 minutes 54.03 seconds W
- b. 30 degrees 12 minutes 27.96 seconds N
89 degrees 47 minutes 53.57 seconds W
- c. 30 degrees 12 minutes 20.66 seconds N
89 degrees 48 minutes 01.30 seconds W
- d. 30 degrees 12 minutes 21.03 seconds N
89 degrees 48 minutes 01.76 seconds W

6. North Shore-St. Tammany Parish

- a. 30 degrees 16 minutes 38.00 seconds N
90 degrees 04 minutes 08.00 seconds W
- b. 30 degrees 16 minutes 38.00 seconds N
90 degrees 03 minutes 21.00 seconds W
- c. 30 degrees 15 minutes 58.00 seconds N
90 degrees 03 minutes 21.00 seconds W
- d. 30 degrees 15 minutes 58.00 seconds N
90 degrees 04 minutes 08.00 seconds W

7. North Twin Span-St. Tammany Parish

- a. 30 degrees 11 minutes 39.13 seconds N
89 degrees 50 minutes 15.54 seconds W

WILDLIFE AND FISHERIES

- b. 30 degrees 11 minutes 39.13 seconds N
89 degrees 50 minutes 10.78 seconds W
 - c. 30 degrees 11 minutes 35.02 seconds N
89 degrees 50 minutes 10.78 seconds W
 - d. 30 degrees 11 minutes 35.02 seconds N
89 degrees 50 minutes 15.54 seconds W
8. South Twin Span-Orleans Parish
- a. 30 degrees 10 minutes 12.23 seconds N
89 degrees 50 minutes 47.04 seconds W
 - b. 30 degrees 10 minutes 12.23 seconds N
89 degrees 50 minutes 42.27 seconds W
 - c. 30 degrees 10 minutes 08.11 seconds N
89 degrees 50 minutes 42.27 seconds W
 - d. 30 degrees 10 minutes 08.11 seconds N
89 degrees 50 minutes 47.04 seconds W
9. Orleans-Orleans Parish
- a. 30 degrees 07 minutes 47.46 seconds N
90 degrees 05 minutes 05.70 seconds W
 - b. 30 degrees 07 minutes 47.46 seconds N
90 degrees 04 minutes 17.70 seconds W
 - c. 30 degrees 07 minutes 05.46 seconds N
90 degrees 04 minutes 17.70 seconds W
 - d. 30 degrees 07 minutes 05.46 seconds N
90 degrees 07 minutes 05.70 seconds W
10. Lake Front-Orleans Parish
- a. 30 degrees 03 minutes 34.72 seconds N
89 degrees 59 minutes 40.25 seconds W
 - b. 30 degrees 03 minutes 35.72 seconds N
89 degrees 59 minutes 38.25 seconds W
 - c. 30 degrees 03 minutes 35.57 seconds N
89 degrees 59 minutes 38.05 seconds W
 - d. 30 degrees 03 minutes 30.22 seconds N
89 degrees 59 minutes 33.25 seconds W
11. South Shore-Jefferson Parish
- a. 30 degrees 05 minutes 25.00 seconds N
90 degrees 12 minutes 42.00 seconds W
 - b. 30 degrees 05 minutes 25.00 seconds N
90 degrees 11 minutes 56.00 seconds W
 - c. 30 degrees 04 minutes 44.00 seconds N
90 degrees 11 minutes 56.00 seconds W
 - d. 30 degrees 04 minutes 44.00 seconds N
90 degrees 12 minutes 42.00 seconds W
12. Laketown-Jefferson Parish
- a. 30 degrees 02 minutes 40.92 seconds N
90 degrees 14 minutes 23.11 seconds W
 - b. 30 degrees 02 minutes 38.30 seconds N
90 degrees 14 minutes 18.46 seconds W
 - c. 30 degrees 02 minutes 35.07 seconds N
90 degrees 14 minutes 20.28 seconds W
 - d. 30 degrees 02 minutes 37.69 seconds N
90 degrees 14 minutes 24.93 seconds W
13. Independence Island-Jefferson Parish
- a. 29 degrees 18 minutes 34.48 seconds N
89 degrees 56 minutes 13.37 seconds W
 - b. 29 degrees 18 minutes 34.22 seconds N
89 degrees 55 minutes 48.52 seconds W
 - c. 29 degrees 18 minutes 24.32 seconds N
89 degrees 55 minutes 48.66 seconds W
 - d. 29 degrees 18 minutes 24.58 seconds N
89 degrees 56 minutes 13.51 seconds W
14. Bully Camp 1-Lafourche Parish
- a. 29 degrees 27 minutes 30.08 seconds N
90 degrees 22 minutes 43.33 seconds W
 - b. 29 degrees 27 minutes 30.04 seconds N
90 degrees 22 minutes 38.63 seconds W
 - c. 29 degrees 27 minutes 25.92 seconds N
90 degrees 22 minutes 38.67 seconds W
 - d. 29 degrees 27 minutes 25.96 seconds N
90 degrees 22 minutes 43.37 seconds W
15. Bully Camp 2-Lafourche Parish
- a. 29 degrees 27 minutes 44.08 seconds N
90 degrees 23 minutes 03.33 seconds W
 - b. 29 degrees 27 minutes 44.04 seconds N
90 degrees 22 minutes 58.63 seconds W
 - c. 29 degrees 27 minutes 39.92 seconds N
90 degrees 22 minutes 58.67 seconds W
 - d. 29 degrees 27 minutes 35.96 seconds N
90 degrees 23 minutes 03.37 seconds W

16. St. Charles-St. Charles Parish
 - a. 30 degrees 08 minutes 26.10 seconds N
90 degrees 19 minutes 26.28 seconds W
 - b. 30 degrees 08 minutes 26.10 seconds N
90 degrees 14 minutes 38.28 seconds W
 - c. 30 degrees 07 minutes 44.10 seconds N
90 degrees 18 minutes 38.28 seconds W
 - d. 30 degrees 07 minutes 44.10 seconds N
90 degrees 19 minutes 26.28 seconds W
17. Rabbit Island Reef-St. Mary Parish
 - a. 29 degrees 30 minutes 41.31 seconds N
91 degrees 34 minutes 00.39 seconds W
 - b. 29 degrees 30 minutes 41.34 seconds N
91 degrees 33 minutes 43.68 seconds W
 - c. 29 degrees 30 minutes 26.73 seconds N
91 degrees 33 minutes 43.65 seconds W
 - d. 20 degrees 30 minutes 26.70 seconds N
91 degrees 34 minutes 00.35 seconds W
18. Finfish Reef 1-Cameron Parish
 - a. 29 degrees 58 minutes 15.58 seconds N
93 degrees 18 minutes 12.25 seconds W
 - b. 29 degrees 58 minutes 15.83 seconds N
93 degrees 17 minutes 55.47 seconds W
 - c. 29 degrees 58 minutes 01.22 seconds N
93 degrees 17 minutes 55.19 seconds W
 - d. 29 degrees 58 minutes 00.97 seconds N
93 degrees 18 minutes 11.97 seconds W
19. Turner's Bay Island Reef-Cameron Parish
 - a. 30 degrees 03 minutes 20.56 seconds N
93 degrees 18 minutes 29.54 seconds W
 - b. 30 degrees 03 minutes 20.11 seconds N
93 degrees 18 minutes 26.51 seconds W
 - c. 30 degrees 03 minutes 18.54 seconds N
93 degrees 18 minutes 26.82 seconds W
 - d. 30 degrees 03 minutes 18.99 seconds N
93 degrees 18 minutes 29.85 seconds W
20. Oyster Reef 1-Cameron Parish
 - a. 29 degrees 51 minutes 05.56 seconds N
93 degrees 17 minutes 09.90 seconds W
- b. 29 degrees 51 minutes 05.81 seconds N
93 degrees 16 minutes 53.14 seconds W
- c. 29 degrees 50 minutes 51.20 seconds N
93 degrees 16 minutes 52.86 seconds N
- d. 29 degrees 50 minutes 50.96 seconds N
93 degrees 17 minutes 09.62 seconds W
21. Oyster Reef 2-Cameron Parish
 - a. 29 degrees 51 minutes 05.08 seconds N
degrees 17 minutes 02.82 seconds W
 - b. 29 degrees 51 minutes 05.33 seconds N
degrees 16 minutes 46.06 seconds W
 - c. 29 degrees 50 minutes 50.72 seconds N
degrees 16 minutes 45.78 seconds W
 - d. 29 degrees 50 minutes 50.47 seconds N
93 degrees 17 minutes 02.54 seconds W
22. Oyster Reef 3-Cameron Parish
 - a. 29 degrees 51 minutes 09.10 seconds N
93 degrees 17 minutes 06.96 seconds W
 - b. 29 degrees 51 minutes 09.35 seconds N
93 degrees 16 minutes 50.20 seconds W
 - c. 29 degrees 50 minutes 54.74 seconds N
93 degrees 16 minutes 49.92 seconds W
 - d. 29 degrees 50 minutes 54.49 seconds N
93 degrees 17 minutes 06.68 seconds W
23. Sweet Lake-Cameron Parish
 - a. 29 degrees 56 minutes 38.02 seconds N
93 degrees 17 minutes 33.42 seconds W
 - b. 29 degrees 56 minutes 38.27 seconds N
93 degrees 17 minutes 16.65 seconds W
 - c. 29 degrees 56 minutes 23.66 seconds N
93 degrees 17 minutes 16.36 seconds W
 - d. 29 degrees 56 minutes 23.41 seconds N
93 degrees 17 minutes 33.14 seconds W
24. Bird Island-Terrebonne Parish
 - a. 29 degrees 03 minutes 40.34 seconds N
90 degrees 43 minutes 34.07 seconds W
 - b. 29 degrees 03 minutes 40.26 seconds N
90 degrees 43 minutes 17.44 seconds W
 - c. 29 degrees 03 minutes 25.65 seconds N

- 90 degrees 43 minutes 17.53 seconds W
- d. 29 degrees 03 minutes 25.73 seconds N
- 90 degrees 43 minutes 34.16 seconds W
- 25. Bird Island II-Terrebonne Parish
 - a. 29 degrees 03 minutes 41.97 seconds N
 - 90 degrees 43 minutes 29.63 seconds W
 - b. 29 degrees 03 minutes 41.89 seconds N
 - 90 degrees 43 minutes 12.99 seconds W
 - c. 29 degrees 03 minutes 27.28 seconds N
 - 90 degrees 43 minutes 13.08 seconds W
 - d. 29 degrees 03 minutes 27.36 seconds N
 - 90 degrees 43 minutes 29.71 seconds W
- 26. Point Mast-Terrebonne Parish
 - a. 29 degrees 06 minutes 34.01 seconds N
 - 90 degrees 38 minutes 16.87 seconds W
 - b. 29 degrees 06 minutes 33.92 seconds N
 - 90 degrees 38 minutes 00.24 seconds W
 - c. 29 degrees 06 minutes 19.31 seconds N
 - 90 degrees 38 minutes 00.34 seconds W
 - d. 29 degrees 06 minutes 19.40 seconds N
 - 90 degrees 38 minutes 16.97 seconds W
- 27. Cypremort Point I-Iberia Parish
 - a. 29 degrees 43 minutes 21.03 seconds N
 - 91 degrees 52 minutes 23.19 seconds W
 - b. 29 degrees 43 minutes 21.04 seconds N
 - 91 degrees 52 minutes 20.82 seconds W
 - c. 29 degrees 43 minutes 18.97 seconds N
 - 91 degrees 52 minutes 20.81 seconds W
 - d. 29 degrees 43 minutes 18.96 seconds N
 - 91 degrees 52 minutes 23.18 seconds W
- 28. Cypremort Point II-Iberia Parish
 - a. 29 degrees 44 minutes 26.95 seconds N
 - 91 degrees 52 minutes 54.25 seconds W
 - b. 29 degrees 44 minutes 27.02 seconds N
 - 91 degrees 52 minutes 37.51 seconds W
 - c. 29 degrees 44 minutes 12.41 seconds N
 - 91 degrees 52 minutes 37.43 seconds W
 - d. 29 degrees 44 minutes 12.34 seconds N
 - 91 degrees 52 minutes 54.17 seconds W

- 29. Redfish Pointe (original)-Vermilion Parish
 - a. 29 degrees 40 minutes 47.76 seconds N
 - 92 degrees 07 minutes 14.90 seconds W
 - b. 29 degrees 40 minutes 47.86 seconds N
 - 92 degrees 06 minutes 58.17 seconds W
 - c. 29 degrees 40 minutes 33.24 seconds N
 - 92 degrees 06 minutes 58.06 seconds W
 - d. 29 degrees 40 minutes 33.14 seconds N
 - 92 degrees 07 minutes 14.79 seconds W
- 30. Redfish Pointe-Vermilion Parish
 - a. 29 degrees 40 minutes 44.28 seconds N
 - 92 degrees 07 minutes 13.40 seconds W
 - b. 29 degrees 40 minutes 44.38 seconds N
 - 92 degrees 06 minutes 56.67 seconds W
 - c. 29 degrees 40 minutes 29.76 seconds N
 - 92 degrees 06 minutes 56.56 seconds W
 - d. 29 degrees 40 minutes 29.66 seconds N
 - 92 degrees 07 minutes 13.29 seconds W
- 31. Prien Point-Vermilion Parish
 - a. 29 degrees 39 minutes 45.53 seconds N
 - 92 degrees 08 minutes 05.36 seconds W
 - b. 29 degrees 39 minutes 45.64 seconds N
 - 92 degrees 07 minutes 48.63 seconds W
 - c. 29 degrees 39 minutes 31.02 seconds N
 - 92 degrees 07 minutes 48.52 seconds W
 - d. 29 degrees 39 minutes 30.92 seconds N
 - 92 degrees 08 minutes 05.25 seconds W

B. No person shall harvest oysters from these recreational reefs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:805.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 41:1309 (July 2015).

Chapter 7. Experimental Fisheries Program

§701. Permits

A. Purpose. Under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require permits. These permits may be issued for the development of new fisheries, gear designed to harvest underutilized species and to persons who are interested in